

RESOLUTION NUMBER R-284660

ADOPTED ON SEPTEMBER 20, 1994

WHEREAS, PARDEE CONSTRUCTION COMPANY, a California Corporation, Owner/Permittee, filed an application for a Carmel Valley Planned District Development Plan/Resource Protection Ordinance Permit to develop subject property, located south of Carmel Valley Road (approximately one mile) and east of Interstate 5 (approximately 1.5 miles) within the Carmel Valley Community Planning Area, described as portions of Section 28, Township 14 South, Range 3 West and portions of the east half of Section 29, Township 14 South, Range 3 West, S.B.M., in the A-1-10 to be rezoned to SF-2, SF-3, MF1, NC, EP, and OS Zones; and

WHEREAS, on September 20, 1994, the City Council of The City of San Diego considered Resource Protection Ordinance Permit No. 91-0834 pursuant to San Diego Municipal Code sections 101.0462 and 103.0606; and

WHEREAS, the City Council has considered all maps, exhibits and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the proposed Development Plan is consistent with the Neighborhood 10 North City West Precise Plan and the SF-2, SF-3, MF1, NC, and OS Zones, as set forth in Planning Report No. P-94-146, dated September 20, 1994, a copy of which Planning

Report by this reference is incorporated herein.

BE IT FURTHER RESOLVED, that the Council adopts the following written Findings, dated September 20, 1994:

a. The proposed development will be sited, designed, and constructed to minimize, if not preclude, adverse impacts upon sensitive natural resources and environmentally sensitive areas. The Precise Plan includes a Master RPO Permit with which this proposed project complies.

b. The proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and resources located in adjacent parks and recreation areas and will provide adequate buffer areas to protect such resources. The Master RPO Permit was designed to locate development primarily on the flatter mesa top areas and preserve the sensitive areas as open space.

c. The proposed development will minimize the alterations of natural landforms and will not result in undue risks from geological and erosional forces and/or flood and fire hazards. The proposed grading plan includes manufactured slopes which are undulated both vertically and horizontally and designed to blend into the natural open space. The design of the development includes an understanding of geological and erosional conditions. A brush management plan to reduce potential fire hazards is part of the landscape design.

d. The proposed development will be visually compatible with the character of surrounding areas, and


where feasible, will restore and enhance visual quality in visually degraded areas. The proposed development will follow the development character established by the Precise Plan by placing development on the top of flat mesa areas and leaving the steep canyon areas as open space.

e. The proposed development will conform with the City of San Diego's Progress Guide and General Plan, the Community Plan, the Local Coastal Program, or any other applicable adopted plans and programs. The proposed project will conform with the Precise Plan for Neighborhood 10 as adopted concurrent with this project. The above findings are supported by maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that, based on the findings hereinbefore adopted by the Planning Commission, Carmel Valley Planned District Development Plan/Resource Protection Ordinance Permit No. 91-0834 is hereby GRANTED to Owner/Permittee in the form and with the terms and conditions as set forth in CVPD/RPO Permit No. 91-0834, a copy of which is attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By



Harold O. Valderhaug
Chief Deputy City Attorney

HOV:ps
10/20/94 (01/24/96)
Or.Dept:Clerk
R-95-549
Form=r.permit

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CARMEL VALLEY PLANNED DISTRICT
DEVELOPMENT PLAN/RESOURCE PROTECTION ORDINANCE
PERMIT NO. 91-0834
CITY COUNCIL

This Planned District Development Plan/Resource Protection Ordinance Permit is granted by the Council of The City of San Diego to PARDEE CONSTRUCTION COMPANY, a California Corporation, Owner/Permittee, for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Sections 103.0600 and 101.0454 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owner/Permittee to develop a Planned District Development/Resource Protection Ordinance Permit, Carmel Valley Neighborhood 10 VTM, located south of Carmel Valley Road (approximately one mile) and east of Interstate 5 (approximately 1.5 miles) in the A-1-10 to be rezoned to SF-2, SF-3, MF1, NC, EP, and OS Zones. The project site is legally described as portions of Section 28, Township 14 South, Range 3 West and portions of the east half of Section 29, Township 14 South, Range 3 West, S.B.M.
2. The Planned District Development Plan Project (Project) shall include the total of the following facilities:
 - a. 1) Single-Family Residential Element
265 homes/lots zoned SF2
309 homes/lots zoned SF3
2,263 parking spaces (1,435 minimum required)
 - 2) Multifamily Element (3 lots, 12 acres zoned MF1)
123 two-story dwelling units arranged in a mix of three-plex, four-plex and five-plex structures
 - 3) Neighborhood Commercial Center (4 acres zoned NC)
three, one-story structures totalling
47,000 square feet in floor area
235 parking spaces (1 to 200 ratio)
(additional PD permit needed please see
Condition No. 32 of this permit)

- 4) Miscellaneous School and Park Site
(9 acres zoned EP)
21 Brush Management parcels
7 Future building parcels
15 Open Space parcels
4 Nonbuilding parcels
- b. Off-street parking.
- c. Incidental accessory uses as may be determined and approved by the Development Services Director, DEP Division.
3. Prior to the issuance of any building permit the accompanying Planned District zone designation shall be approved by the City Council and a final subdivision map or maps shall be recorded on the subject property. Permits may be issued for model units prior to the final map recordation subject to the requirements of the City Attorney, Engineering and Development Director and Development Services Director, DEP Division.
4. A "Nonbuilding Area" designation shall be granted and shown on said map on all areas not shown for building sites. Such areas shall be coupled with the severalty interests of the owners of the dwelling units and shall be maintained as open space. Nonbuilding and brush management parcels are to be deeded to and maintained in accordance with Condition No. 53 of this permit.
5. Prior to the issuance of grading permits, landscaping plans (planting and irrigation) shall be submitted to the Development Services Director, DEP Division for approval. Prior to the issuance of building permits, complete building plans, including landscaping and signs, shall be submitted to the Development Services Director, DEP Division for approval. All plans shall be in substantial conformity to Exhibit "A," dated September 20, 1994, on file in the Development Services Department, DEP Division. Building plans for the Commercial Center shall conform to Condition No. 32 of this permit above what is illustrated on Exhibit "A." All landscaping shall be installed prior to issuance of occupancy. Subsequent to the completion of this project, no changes shall be made until an appropriate application for an amendment to this permit shall have been granted. Interim landscape and erosion control measures including hydroseeding shall be submitted to the satisfaction of the Development Services Director, DEP Division and City Engineer.
6. The construction and continued use of this permit shall be subject to the regulations of this or other governmental agencies.

7. A minimum of 1,949 total parking spaces shall be provided. (SF-2 and SF3 area to total 1,435, MF-1 area to total 279 and CN to total 235). Of those spaces, 320 shall be provided for guests. Two hundred eighty-seven curb spaces may be included in the calculation (SF-2 and SF3 area only). Each of the parking spaces shall be permanently maintained and not converted for any other use at any time. Each subsequent owner shall be informed of this requirement through the CC&R's. Each space shall be maintained on the subject property in the approximate location as shown on Exhibit "A," dated September 20, 1994. Parking spaces and aisles shall conform to Development Services Department, DEP Division standards. No charge shall be made at any time for use of these off-street parking spaces.
8. Exterior radio or television antennas shall be prohibited, except for one master antenna for the project. The installation of any underground CATV cable in any public rights-of-way within or adjacent to the project shall require either a license or franchise with the City prior to such installation.
9. Building additions shall conform to the underlying zone. No building additions, including patio covers, shall be permitted unless approved by the homeowners' association, if an association exists, and by the Development Services Director, DEP Division. Patio covers may be permitted only if they are consistent with the architecture of the dwelling unit.
10. No manufactured slope shall be steeper than a ratio of 2 to 1 (except for interior side yard slopes of less than five feet in height).
11. The applicant shall post a copy of the approved permit in the sales office for consideration by each prospective buyer.
12. Any sales office or temporary sales signs advertising the subdivision shall be approved by the Development Services Director, DEP Division and shall be consistent with the criteria established by the SF2, SF3, and MF1 (which ever zone is applicable).
13. Prior to the issuance of building permits, sidewalks shall be provided from each unit to the sidewalk within the dedicated right-of-way, and if the sidewalks are contiguous to the curb of private streets, a five-foot general utility easement must be provided behind this walk to the satisfaction of the Development Services Director, DEP Division and the City Engineer. All walkways, driveways, utilities, etc., shall be placed so they do not restrict the placement of the required street trees within the public right-of-way.

14. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
15. The effective date of this permit shall be the date of final action by the Planning Commission or, if appealed, the date of City Council action.
16. No development shall commence, nor shall any permit for construction be issued, until the Permittee signs and returns the permit to the Development Services Department, DEP Division.
17. The property included within this Planned District Development shall be used only for the purposes and under the terms and conditions as set forth in this permit unless specifically authorized by the Development Services Director, DEP Division or the permit has been revoked by The City of San Diego.
18. This Planned District Development Plan Permit may be cancelled or revoked if there is any material breach or default in any of the conditions of this permit. Cancellation or revocation may be instituted by the City, Planning Commission or Permittee.
19. This Planned District Permit shall constitute a covenant running with the land; all conditions and provisions shall be binding upon the Permittee and any successor(s), and the interests of any successor(s) shall be subject to every condition herein.
20. Private streets shall be named and begin with appropriate terms such as "Caminito," "Ruelle," or "Row." Public refuse collection shall not be permitted unless approved by the Director of General Services. All private streets shall be improved to the requirements set forth by the Engineering and Development Director. No parking shall be permitted on any private streets except in approved locations.
21. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved plans.
22. The Permittee/Applicant shall comply with all requirements of the Uniform Building Code (UBC) and secure all necessary building permits prior to construction.
23. The Carmel Valley Planned District/Resource Protection Ordinance Permit shall comply with the conditions of the final map for Vesting Tentative Map No. 91-0834.
24. Prior to the issuance of any building permit, the applicant shall provide sidewalk on both sides of all streets,

- satisfactory to the City Engineer and Development Services Director.
25. Driveways shall be of sufficient depth and width to provide storage for two standard-size vehicles without encroaching into the sidewalk area or within five feet from the face of curb on dedicated streets.
 26. This development shall comply with the Transportation Demand Management (TDM) Plan approved, May 1993, satisfactory to the TDM Administrator.
 27. The subdivider shall provide a pedestrian access easement from the end of Streets "EE" and "X" to Carmel Mountain Road, satisfactory to the City Engineer.
 28. Prior to the issuance of any building permit, the applicant shall:
 - a. Ensure that building address numbers are visible and legible from the street (UFC 10.208).
 - b. Show the location of all fire hydrants on the plot plan (UFC 10.301).
 - c. Provide access in conformance with Fire Department Policy A-89-1 (UFC 10.207).
 - d. Provide temporary street signs.
 - e. Comply with the City of San Diego *Landscaping Technical Manual* regarding brush and landscaping.
 29. Prior to the issuance of any building permit, the developer shall demonstrate compliance with the North City West School Facilities Master Plan. Compliance may be evidenced through either of the following methods: (a) by otherwise demonstrating the availability of school facilities to accommodate residents of the subdivision; or (b) by participating in the "School Deposit Procedure" alternative, as provided in the Master Plan. A development agreement may be required, as provided in the North City West School Facilities Master Plan to implement the deposit procedure.
 30. This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
 31. Noise walls, decorative pavements and other public right-of-way improvements shown on Exhibit "A," dated September 20, 1994, shall be permitted by an Encroachment Permit obtained from the City Engineer.

32. Prior to the issuance of a building permit to the neighborhood commercial center (Lots 1-3, Unit 20 of VTM No. 91-0834) the applicant must submit a Planned District Development Permit.

The commercial center which is illustrated in the Precise Plan and the PD Exhibit "A" are highly conceptual and are only included to establish square footage of floor area and off-street parking ratio. All other aspects (site design, building placement, degree of pedestrian orientation, etc.) may change to the discretion of the future decision-making body.

33. Prior to the issuance of building permits relating to Units 2 and 17, the noise walls along Carmel Country and Carmel Mountain Roads shall be designed with openings to allow convenient pedestrian access from the ends of cul-de-sacs to the street (cul-de-sac of Street FF of Unit 2 and Street X of Unit 17) to the satisfaction of the Development Services Director, DEP Division and the City Engineer.
34. Prior to the issuance of building permits for the units listed in Table 1 of the EIR, construction plans shall be reviewed by the Environmental Analysis Section and the Building Inspection Department's Acoustical Plan Review office to determine conformance with the noise mitigation measures of the EIR.
35. A Cultural resource monitoring report with appropriate graphics which summarizes the results, analysis, and conclusions of the EIR shall be prepared and submitted within three months following termination of the cultural resources monitoring program. Also, any sites or features encountered shall be recorded with the South Coastal Information Center at San Diego State University and at the San Diego Museum of Man.
36. Prior to issuance of building permits, a report of Paleontology Resources, findings, even if negative, shall be submitted to EAS and the San Diego Natural History Museum.
37. The Development Services Department shall be notified in writing by the applicant of payment of Mello-Roos fee prior to issuance of occupancy permits.
38. All residences shown in Table 1 of the EIR with first- or second-story mitigated noise levels greater than 60 CNEL shall be designed to achieve interior noise levels below the City's 45 CNEL standard. This may require the use of sound-rated windows, increased insulation, or other upgraded building materials. Because the building designs are not yet finalized structural mitigation measures cannot be specifically determined at this time. An interior acoustical analysis shall be required upon submittal of

building plans to determine the appropriate design and use of building materials to ensure that the interior noise levels in the residences listed in Table 1 do not exceed 45 CNEL.

Prior to issuance of building permits for units listed in Table 1, construction plans shall be reviewed by the Development Services Department EAS and the Acoustical Plan Review office to determine that the noise mitigation measures have been incorporated into plans. During construction, the Development Services Department's structural inspector shall verify compliance with the mitigation measures. The cost of implementing this mitigation Monitoring, and Reporting Program shall be the responsibility of the applicant.

39. To the extent that these conditions are consistent with but more detailed than the precise plan, the permit conditions shall prevail. These permit conditions are intended to implement the Precise Plan objectives and guidelines.
40. Prior to the recordation of the final map, a brush management plan identifying brush management zones, setbacks shall be submitted to the Development Services Department, DEP Division. The project shall implement a brush management program per the *City Landscape Technical Manual (LTM)*. The design shall be to the satisfaction of the Fire Marshall and the Development Services Director, DEP Division. All lots shown on the VTM intending to have structures built on them and adjacent to fire hazardous areas shall have brush management easements recorded with the final map. Zone One will be recorded with the final map as a nonbuilding easement for brush management. Zones Two and Three will be recorded with the final map as brush management zones to be maintained in perpetuity.
41. No brush management shall occur on dedicated open space.
42. Prior to implementation of the Brush Management Program, a pre-construction meeting shall occur with the owner, contractor, and Development Services Department, DEP Division to discuss and outline the implementation of the Brush Management Plan, to the satisfaction of the Development Services Director, DEP Division.
43. Prior to the approval for occupancy, a field inspection shall be made by Development and Environmental Planning Division, to ensure that the required Brush Management Program has been satisfactorily implemented. Maintenance of the brush management areas shall be the responsibility as described in Condition No. 53 of this permit. Field checks every three years shall be made by the Development and Environmental Planning Division to ensure compliance with

on-going maintenance as outlined in the *Landscape Technical Manual*.

44. The developer shall provide a pedestrian access plan to the satisfaction of the Development Services Director, DEP Division prior to the recordation of the final map. Pedestrian access shall be guaranteed from all public streets and through the ends of cul-de-sacs to schools, commercial development areas, parks and open space areas via a 20-foot-wide landscaped pedestrian easement. Easements shall be maintained as described in Condition No. 53 of this permit.
45. Provision of street trees to be installed per the requirements and standards of the Citywide Landscape Regulations (SDMC Sec. 101.0700) and Section 8, "Street Rights-of-Way and Open Spaces" of the *Landscape Technical Manual* shall be provided within the public rights-of-way on all streets per the Landscape Ordinance and the Precise Plan: If 36-inch-box size trees are used, a tree would be spaced the equivalent of 59 feet on center. These trees shall be arranged in an informal pattern to be in conformance with the Precise and Community Plans. Trees shall be located between the curb and sidewalk a minimum of 2'-6" from the face of curb on all major streets.
46. Prior to the recordation of the first final map, the subdivider shall provide a modified map, public improvement plans, and modified site and landscape plans illustrating the following:

Provision of noncontiguous sidewalks with parkway and street tree plantings for the complete lengths of both sides of all major streets, shall be installed per the Design Guidelines and all other applicable regulations. The design and placement of any proposed modifications shall be reviewed and approved by the Development Services Director, DEP Division and the City Engineer.
47. Undulated grading patterns shall be shown on the grading plans to comply with the Precise and Community Plans. The Precise Plan calls for undulated slopes between 2:1 and 4:1. In order to comply, the proposed slopes are already shown and must have an average 2.5:1 slope. All disturbed-area and grading-quantity calculations shall be measured from these 2.5:1 average undulating slopes. Portions of undifferentiated slopes visible above roof lines shall receive enhanced landscape treatment to soften their appearance to the satisfaction of the Development Services Director, DEP Division.
48. Prior to the issuance of a grading permit for any and all off-site grading, a clearly stated letter of permission from the appropriate property owner(s) shall be submitted to the

city to the satisfaction of the Development Services Director, DEP Division and City Engineer.

49. Storm drains terminating in open space lots and proposed off-site open space lots shall be located at the low point, to prevent hillside erosion, satisfactory to the City Engineer and/or the Park and Recreation Director, and shall be equipped with energy dissipators to prevent downstream erosion.
50. Detention basins/desilting basins and storm drains located on open space lots and proposed off-site open space lots shall have drainage easements, including the necessary access easements from a public street or existing access easements to provide access for Streets Division maintenance crews.
51. Prior to the issuance of a grading permit (stock pile or borrow) a landscape erosion control plan shall be submitted and approved by the Development Services Department, DEP Division for any lot(s) which will be graded and left fallow or undeveloped (without concurrent building plan submittal) for an extended period of time. This condition is primarily aimed at the school, park, multifamily, and commercial sites.

The timely erosion control including hydroseeding of all slopes graded pad areas and disturbed areas, herein is considered to be in the public interest and the developer shall initiate such measures within 45 days from the date that the grading of the designated slopes is deemed to be complete. Such measures, shall be installed in accordance with the plans approved by the Development Services Director, DEP Division and the City Engineer. The landscaping shall be properly maintained to ensure the survival and propagation of the plant material during the period prior to the acceptance of the public improvements.

52. Prior to recordation of the final map for each phase or "unit," the developer shall provide a plan showing the location and design of bus stop locations. The locations and design must be to the satisfaction of MTDB and the Development Services Director, DEP Division. All bus stop locations must include a landscaped easement contiguous and directly behind the full length of the bus stop (minimum five feet wide by 60 feet, in length). The landscape easement shall include, at a minimum, two broad-headed trees (24-inch box size). Prior to the issuance of Certificate of Occupancy, the developer shall install these bus stops to the satisfaction of the Development Services Director, DEP Division and MTDB.
53. The deeding of and maintenance for all required landscaped slopes, brush management zones and street trees shall be

assumed by the developer of the TM area until it is assumed by a homeowners' association (HOS), landscape maintenance district (LMD) or adjacent lot property owner(s). The City of San Diego shall not assume responsibility for the landscape maintenance as required by this Tentative Map (TM). If the HOA or LMD is dissolved or delinquent, the ultimate responsibility for maintenance shall be the adjacent lot property owner's. All required landscape areas and brush management zones shall be maintained free of debris and litter and all plant material shall be maintained in a healthy growing condition. Diseased or dead plant material shall be satisfactorily treated or replaced within 30 days with material of an equivalent size and species. Brush management shall be maintained per Section 6 of the Landscape Technical Manual and the Uniform Fire Code (San Diego Municipal Code Section 55.0888.0201).

54. In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in the event that a challenge pertaining to future growth management requirements is found by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, the Development Services Director, DEP Division shall have the right, but not the obligation, to review this Permit to confirm that the purpose and intent of the original approval will be maintained.
55. The issuance of this permit by The City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Action of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

APPROVED by the Council of The City of San Diego on September 20, 1994, by Resolution No. R-284660.

AUTHENTICATED BY THE CITY MANAGER

By _____

The undersigned Permittee, by execution hereof, agrees to each and every condition of this permit and promises to perform each and every obligation of Permittee hereunder.

Owner/Permittee

By _____

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
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